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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/893,522   | 06/29/2001  | George Hoshi         | 010846              | 2987             |
| 23850  | 7590        | 07/06/2005           | EXAMINER            |                  |
| ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP<br>1725 K STREET, NW<br>SUITE 1000<br>WASHINGTON, DC 20006 |             |                      | FOX, JOHN C         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3753                |                  |

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/893,522             | HOSHI ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | John Fox               | 3753                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,9-14 and 17-22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7,8,15,16 and 23-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

This action is responsive to the communication filed April 25, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-6, 9-14, 17-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 15, 2003.

Claims 3 and 16/3 are rejected under 35 U.S.C. 102(e) as being anticipated by Eidsmore et al. Eidsmore et al show a gas stick system where the elements 40 are read as the tracks and fittings 50 are read as slidable coupling members.

Applicant's remarks have been fully considered but are not deemed to be persuasive. Applicant argues that fitting 50 does not slidingly move along the rail. It appears to the Examiner that elements 50 are quite able to slide in the grooves 42. What is there to stop such motion? It is further noted that the elements 50 provide fluid ports on their top surfaces and the components span two elements.

Claims 1-2, 4, 7-8, 15, 16/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vu et al in view of Johnson.

Vu et al show the claimed device except for the mounting of the fluid components on rails. Johnson shows a similar apparatus with the fluid handling components mounted on rails to allow positioning of the components. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used rails as taught by Johnson to mount the components of Vu et al to similarly allow for positioning

of the components. As to claim 8, it would have been obvious to have used nuts in the rails as taught by Vu et al instead of bolts, such being the mere reversal of parts.

Applicant's remarks have been fully considered but are not deemed to be persuasive. Applicant argues that the components that slidingly move in Vu et al are "mounting brackets 236, 238", and there is no description about slidably mounting the coupling members. Well, since the coupling members are connected to the brackets, moving the brackets amounts to moving the coupling members.

Applicant also argues that the fittings and blocks of Johnson do not correspond to the coupling members of the present invention. The issue under 103 is what the combination of references would suggest to a routineer in the art. The Prior Art described by Johnson, with fixed piping, is analogous to the fixed coupling members of Vu et al and the same problem of not being able to vary the spacing is the same with each device. The solution of Johnson is directly applicable to the block type system of Vu et al and it is believed that the combination of references fairly suggests the claimed subject matter.

Claims 23-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Vu et al in view of Johnson as applied above and further in view of Markulec et al.

Vu et al, as modified, shows the claimed device except for the shape of the tracks. Markulec et al show a gas stick system with a downward tapered groove and nut, see Figure 6a. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a downward tapered groove and nut in

the system of Vu et al, as modified, in view of the readily apparent equivalence between the two tracks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Increased Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Fox  
Primary Examiner  
Art Unit 3753